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DATE: August 15, 2006

TO: RCE  
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ATTN: Examiner: Steven Nguyen  
Art Unit: 2616

FAX NUMBER: (571) 273-8300

FROM: Roberta A. Young, Attorney for Applicant  
Registration No. 53,818

Total Number of Pages Sent: 3 (including this transmittal cover sheet)

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FILING BY FACSIMILE:

ATTORNEY DOCKET NO.: PA792C1

ENCLOSED ARE:

- Request for Continuing Examination (RCE) Transmittal (in duplicate)

APPLICANT: Tiedemann Jr., et al.

ASSIGNEE: QUALCOMM Incorporated

SERIAL NO.: 09/955,662

FILED: September 19, 2001

FOR: Method and apparatus for maximizing the use of available capacity in a communication system

\*\*\*\*\*

Please contact Sheryl Schoen at (858) 658-5102 if all pages do not transmit.

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<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  See The American Inventors Protection Act of 1999 (AIPA).	<b>Application Number</b>	09/955,662
	<b>Filing Date</b>	September 19, 2001
	<b>First Named Inventor</b>	Tiedemann Jr., et al.
	<b>Group Art Unit</b>	2616
	<b>Examiner Name</b>	Steven Nguyen
	<b>Attorney Docket Number</b>	PA792C1

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

*NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which extended RCE practice.*

1. **Submission required under 37 C.F.R. § 1.114**

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on June 8, 2006

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

iii. ☐ Other

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 which the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 17-0026

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) in the amount of \$790.00

ii. ☒ Request for 3 month Extension of time (37 C.F.R. §§ 1.136 and 1.117) in the amount of 1020.00.

iii. ☐ Other

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Date	August 15, 2006
Signature	Robert A. Young
Robert A. Young, Reg. No. 53,818 (858) 658-5803	

CERTIFICATE OF MAILING OR TRANSMISSION	
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Signature	Sheryl Schoen
Date	August 15, 2006

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